

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY
TRENTON DIVISION**

CASE NO.: 3:25-CV-02608

MORGAN HOWARTH,

Plaintiff,

v.

MALDONADO’S PROPERTY
MANAGEMENT LLC dba MALDONADO’S
OUTDOOR DESIGN,

Defendant.

COMPLAINT FOR COPYRIGHT INFRINGEMENT

(INJUNCTIVE RELIEF DEMANDED)

Plaintiff MORGAN HOWARTH by and through his undersigned counsel, brings this Complaint against Defendant MALDONADO’S PROPERTY MANAGEMENT LLC DBA MALDONADO’S OUTDOOR DESIGN for damages and injunctive relief, and in support thereof states as follows:

SUMMARY OF THE ACTION

1. Plaintiff MORGAN HOWARTH (“Howarth”) brings this action for violations of exclusive rights under the Copyright Act, 17 U.S.C. § 106, to copy and distribute Howarth's original copyrighted Work of authorship.

2. Based in Washington DC, Morgan Howarth has been a photographer for over 25 years and loved every minute of it. Unlike many shooters who “received their first camera at 5,” Morgan came to photography while studying engineering in college. Inspired by a photojournalist, he changed his course load and never looked back. Now, Morgan focuses on interior and architecture work but is adept in almost all forms of photography. His rich and

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illustrative style brings architecture to life by combining a multitude of separately lit images into that one perfect shot. Morgan has photographed for a multitude of national clients and has been exposed to many beautiful people and places throughout his career. However, he still considers the best part of any assignment to be the client's final "Wow!"

3. Defendant MALDONADO'S PROPERTY MANAGEMENT LLC DBA MALDONADO'S OUTDOOR DESIGN ("Maldonado's") operates a landscape services company located in Colts Neck, New Jersey. Maldonado's services include landscape, hardscape, planting, lawn applications and snow removal. At all times relevant herein, Maldonado's owned and operated the Facebook page located at the internet URL www.facebook.com/maldonadospropertymanagement (the "Maldonado's Facebook Page").

4. Howarth alleges that Maldonado's copied Howarth's copyrighted Work from the internet in order to advertise, market and promote its business activities. Maldonado's committed the violations alleged in connection with its business for purposes of advertising and promoting sales to the public in the course and scope of the Maldonado's' business.

JURISDICTION AND VENUE

5. This is an action arising under the Copyright Act, 17 U.S.C. § 501.

6. This Court has subject matter jurisdiction over these claims pursuant to 28 U.S.C. §§ 1331, 1338(a).

7. Maldonado's is subject to personal jurisdiction in New Jersey.

8. Venue is proper in this district under 28 U.S.C. §§ 1391(b) and (c) and 1400(a) because the events giving rise to the claims occurred in this district, Maldonado's engaged in infringement in this district, Maldonado's resides in this district, and Maldonado's is subject to personal jurisdiction in this district.

DEFENDANT

9. Maldonado’s Property Management LLC dba Maldonado’s Outdoor Design is a New Jersey Limited Liability Company, with its principal place of business at 76 Maple Drive, Colts Neck, NJ, 07722-1182, and can be served by serving its Registered Agent, Justin Maldonado, at the same address.

THE COPYRIGHTED WORK AT ISSUE

10. In 2016, Howarth created the photograph entitled “11203_Elmwood_Garden_Pergola_F_3,” which is shown below and referred to herein as the “Work”.



11. Howarth registered the Work with the Register of Copyrights on January 19, 2017 as part of a group registration. The Group Registration was assigned registration number VA 2-038-489. The Certificate of Registration is attached hereto as **Exhibit 1**.

12. At all relevant times Howarth was the owner of the copyrighted Work at issue in this case.

INFRINGEMENT BY MALDONADO'S

13. Maldonado's has never been licensed to use the Work at issue in this action for any purpose.

14. On a date after the Work at issue in this action was created, but prior to the filing of this action, Maldonado's copied the Work.

15. On or about August 24, 2023, Howarth discovered the unauthorized use of his Work on the Maldonado's Facebook Page as the page's cover image.

16. Maldonado's copied Howarth's copyrighted Work without Howarth's permission.

17. After Maldonado's copied the Work, it made further copies and distributed the Work on the internet to promote the sale of goods and services as part of its landscape design business.

18. Maldonado's copied and distributed Howarth's copyrighted Work in connection with its business for purposes of advertising and promoting Maldonado's business, and in the course and scope of advertising and selling products and services.

19. Maldonado's committed copyright infringement of the Work as evidenced by the documents attached hereto as **Exhibit 2**.

20. Howarth never gave Maldonado's permission or authority to copy, distribute or display the Work at issue in this case.

21. Howarth notified Maldonado's of the allegations set forth herein on September 27, 2024 and October 16, 2024. To date, the parties have failed to resolve this matter.

COUNT I
DIRECT COPYRIGHT INFRINGEMENT

22. Howarth incorporates the allegations of paragraphs 1 through 21 of this Complaint as if fully set forth herein.

23. Howarth owns a valid copyright in the Work at issue in this case.

24. Howarth registered the Work at issue in this case with the Register of Copyrights pursuant to 17 U.S.C. § 411(a).

25. Maldonado's copied, displayed, and distributed the Work at issue in this case and made derivatives of the Work without Howarth's authorization in violation of 17 U.S.C. § 501.

26. Maldonado's performed the acts alleged in the course and scope of its business activities.

27. Maldonado's' acts were willful.

28. Howarth has been damaged.

29. The harm caused to Howarth has been irreparable.

COUNT II
VICARIOUS COPYRIGHT INFRINGEMENT

30. Howarth incorporates the allegations of paragraphs 1 through 21 of this Complaint as if fully set forth herein.

31. As owner and operator of the Maldonado's Facebook Page, Maldonado's has the authority to review, supervise and regulate the content and materials that are present on the Maldonado's Facebook Page.

32. Upon information and belief, a third party committed copyright infringement when they copied, displayed, and made derivatives of the Work for purposes of selling landscape services.

33. Maldonado's has a direct financial interest in the infringing material because it derives profits from the services offered on the Maldonado's Facebook Page displaying the infringed Work.

34. Despite having the ability to stop the infringed Work from being displayed on its Website, Maldonado's allowed the materials to remain up for display for purposes of generating business.

35. To the extent that the actions described above were performed by the third-party artist alone, Maldonado's is vicariously liable for the unauthorized copying, display, and distribution of the Work described above.

36. Howarth has been damaged.

37. The harm caused to Howarth has been irreparable.

WHEREFORE, the Plaintiff MORGAN HOWARTH prays for judgment against the Defendant MALDONADO'S PROPERTY MANAGEMENT LLC dba MALDONADO'S OUTDOOR DESIGN that:

a. Maldonado's and its officers, agents, servants, employees, affiliated entities, and all of those in active concert with them, be preliminarily and permanently enjoined from committing the acts alleged herein in violation of 17 U.S.C. § 501;

b. Maldonado's be required to pay Howarth his actual damages and Defendant's profits attributable to the infringement, or, at Howarth's election, statutory damages, as provided in 17 U.S.C. § 504;

- c. Howarth be awarded his attorneys' fees and costs of suit under the applicable statutes sued upon;
- d. Howarth be awarded pre- and post-judgment interest; and
- e. Howarth be awarded such other and further relief as the Court deems just and proper.

JURY DEMAND

Howarth hereby demands a trial by jury of all issues so triable.

Dated: April 10, 2025

Respectfully submitted,

/s/ Rebecca A. Kornhauser
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